

IN RE: PETITION FOR ZONING VARIANCE
E/S Bentley Road, 1116' SE of
the c/l of Valley Mill Road
(904 Bentley Road)
6th Election District
3rd Councilmanic District
Carl Ronald Isenock, et ux
Petitioners

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-67-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a setback of 31.8 feet from the street centerline in lieu of the required 100 feet for the existing dwelling on Lot 1, Bentley Hills, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Carl Isenock, appeared and testified. Also appearing on behalf of the Petition was Leo W. Rader, Registered Professional Land Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 904 Bentley Road, consists of 3.000 acres more or less zoned R.C. 4 and is improved with a single family dwelling. Said property is also known as lot 1 of a 31-acre parcel purchased by Petitioners approximately 5 years ago. Petitioners are desirous of subdividing the parcel into four (4) lots. The County Review Group meeting on the proposed subdivision, known as Bentley Hills, required a road widening and alignment that resulted in the existing dwelling on proposed Lot 1, which is over 150 years of age, being 31.8 feet from the center of the proposed road widening. Petitioners contend that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community as the traffic flow there is at a minimum and the proposed road widening is not planned in the foreseeable future. Further, at some point in time, the existing dwell-

ing on Lot 1 will be raised and a house built in the building envelope set forth in Petitioner's Exhibit 1, which is a great distance from the road.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of September, 1989 that the Petition for Zoning Variance to permit a setback of 31.8 feet from the street centerline in lieu of the required 100 feet for the existing dwelling on Lot 1, Bentley Hills, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

- 2 -

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-67-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1A03.4 B4 to permit a setback of 31.8 feet from the center of Bentley Road in lieu of the required 100 feet for the existing dwelling on Lot No. 1, "Bentley Hills".

The undersigned, legal owner(s) of the property situated in Baltimore County, for the following reasons (indicate hardship or practical difficulty):

The comments from the C.R.G. meeting for the subdivision of "Bentley Hills" required a road widening and alignment that placed the existing dwelling on Lot No. 1 31.8 feet from the proposed center of the road widening instead of the required 100 feet. The developer lives in this dwelling and to demolish or move it would cause extreme hardship. Baltimore County has granted a waiver from road grading or construction. Road improvements will probably not be required for many years, as the traffic count is minimal.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s):
Carl Ronald Isenock
(Type or Print Name)
Signature: _____
Darlene H. Isenock
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Carl Ronald Isenock
Name 904 Bentley Road
Freeland, Md. 21053 357-4969
Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of September, 1989, at 2:00 o'clock P.M.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 493, 511, 513, 516, 517, 519, 520, 521, 522, 524, 528, 529, 530, 531, 532, and 533.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Carl and Darlene Isenock, Item 533
Zoning Petition No. 90-67-A

The petitioner requests a variance for relief from required setbacks. In reference to this request, staff offers the following comments:

The site obtained CRG approval for the proposed use on January 15, 1989 (File No. VI-165). The approved zoning plan should conform to the approved CRG plan. The variance, if granted, should be limited to the existing structure only. At such time as the dwelling is removed, any future dwellings must be constructed in the building envelope.

PK/JL/sl

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR

38 Belknap Road - Timonium, Maryland 21093

May 5, 1989

DESCRIPTION
PETITION FOR ZONING VARIANCE
LOT NO. 1 "BENTLEY HILLS"

BEGINNING for the same on the east side of Bentley road, as proposed to be widened to 60 feet, distant South 8 degrees 26 minutes East 1116 feet from the centerline intersection of Valley Mill Road and Bentley Road, thence North 82 degrees 46 minutes 00 seconds East 394.07 feet, South 7 degrees 14 minutes 00 seconds East 158.59 feet, South 45 degrees 27 minutes 04 seconds West 509.47 feet, by a line curving to the right with a radius of 640.00 feet for a distance of 7.91 feet (the chord of said curving line bearing North 21 degrees 37 minutes 22 seconds West 7.91 feet), South 69 degrees 10 minutes 43 seconds West 21.53 feet, North 20 degrees 49 minutes 17 seconds West 10.00 feet, North 69 degrees 10 minutes 43 seconds East 21.53 feet, by a line curving to the right with a radius of 640.00 feet for a distance of 281.49 feet (the chord of said curving line bearing North 7 degrees 46 minutes 24 seconds West 279.23 feet), by a line curving to the left with a radius of 780.00 feet for a distance of 134.77 feet (the chord of said curving line bearing North 0 degrees 07 minutes 23 seconds West 134.61 feet and North 5 degrees 04 minutes 23 seconds West 37.30 feet to the place of beginning.

Baltimore County
Fire Department
800 Park Road
Towson, Maryland 21204-2586
(301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CARL RONALD ISENOCK
Location: ES BENTLEY ROAD, 1,116 SELY FROM
CENTERLINE OF VALLEY MILL ROAD
Item No.: 533
Gentlemen: Zoning Agenda: JUNE 13, 1989

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group
Special Inspection Division
File Prevention Bureau

JK/KEP

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 22, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 13, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 493, 514, 517, 520, 521, 522, 524, 528, 529, 531, and 532.

For Item 511, the minimum panhandle width for one lot is 20 feet, not 10 feet as shown on the plan.

For Items 517, 518 and 533 the previous County Review Group Comments still apply.

For Item 519, all lots must have in-free frontage to a public road.

For Item 530, comments are attached.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RNB:s

Encl.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th Date of Posting: August 4, 1989

Posted for: Variance

Petitioner: Carl Ronald Isenock, et ux

Location of property: E/S Bentley Road, 1116' SE from c/l of Valley Mill Rd.

Location of Sign: East side of Bentley Road in front of subject property

Remarks:

Posted by: S. J. Rader Date of return: August 11, 1989

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

Mr. & Mrs. Carl Ronald Isenock
904 Bentley Road
Freeland, Maryland 21053

Re: Petition for Zoning Variance
CASE NUMBER: 90-67-A
ES Bentley Road, 1116' SEly from centerline of Valley Mill Rd.
904 Bentley Road
6th Election District - 3rd Councilmanic
Petitioner(s): Carl Ronald Isenock, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 30, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Isenock:

Please be advised that \$125.05 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING. IF THE ORDER SHALL NOT ISSUE, DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be a charge for each such set.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8/30/89 ACCOUNT: 074540

AMOUNT: \$ 125.05

RECEIVED FROM: Carl Ronald Isenock

FOR: 90-67-A

VALIDATION OR SIGNATURE OF CASHIER: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 3, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zeke Olson
Publisher

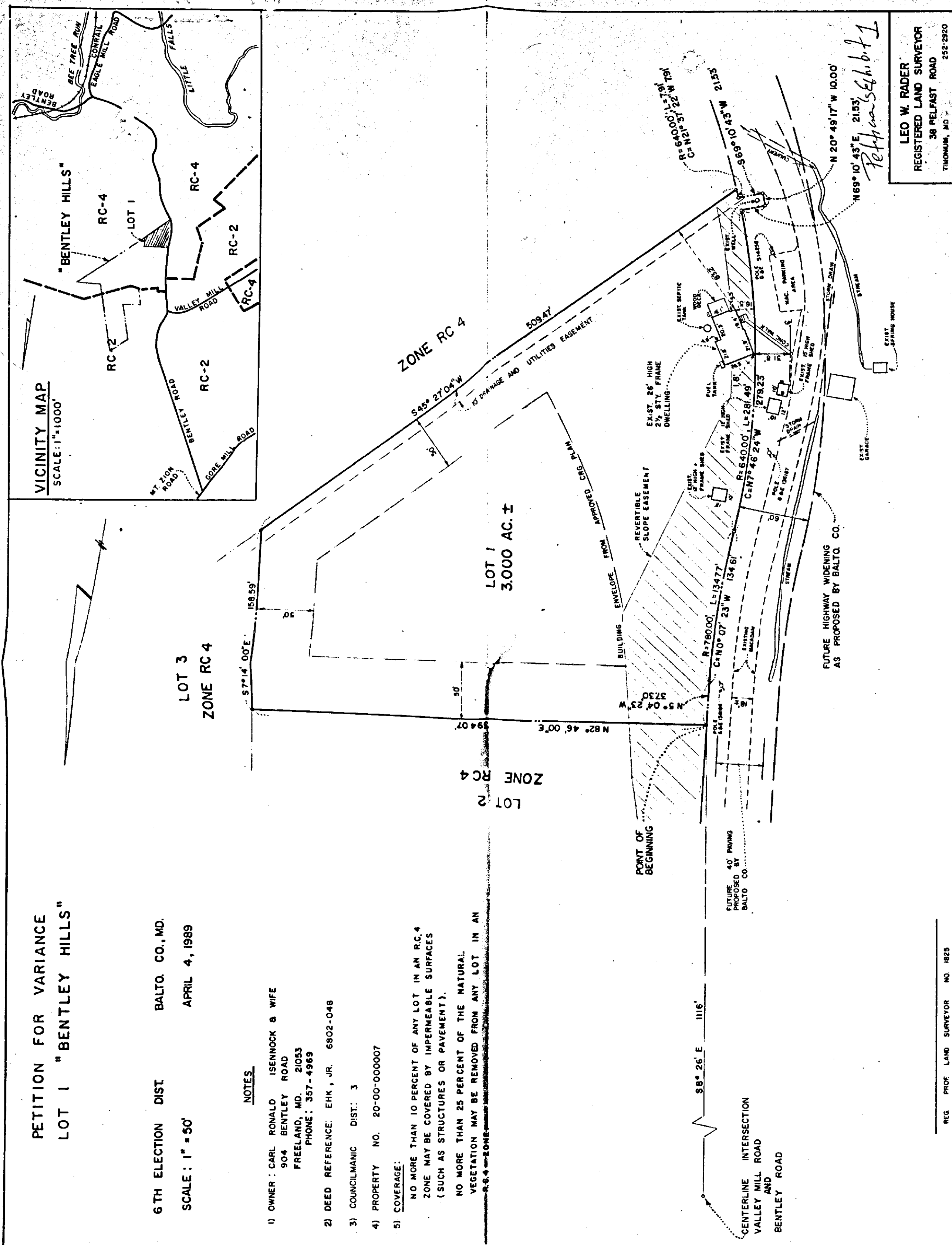
PO 15115
NY M31071
90-67-A
price \$ 100.05

PETITION FOR VARIANCE LOT 1 "BENTLEY HILLS"

6TH ELECTION DIST. BALTO. CO. MD.
APRIL 4, 1989
SCALE: 1" = 50'

NOTES

- 1) OWNER: CARL RONALD ISENHOCK & WIFE
904 BENTLEY ROAD
FREETLAND, MD. 20733
PHONE: 357-4989
- 2) DEED REFERENCE: EHK, JR. 6802-048
- 3) CONCLAMANT DIST: 3
- 4) PROPERTY NO. 20-00-000007
- 5) COVERAGE:
NO MORE THAN 10 PERCENT OF ANY LOT IN AN R.C. 4
ZONE MAY BE COVERED BY IMPERMEABLE SURFACES
(SUCH AS STRUCTURES OR PAVEMENT).
NO MORE THAN 25 PERCENT OF THE NATURAL
VEGETATION MAY BE REMOVED FROM ANY LOT IN AN
R.C. 4 ZONE.



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIDEBORO, MD. 22250

REG. PROF. LAND SURVEYOR NO. 1825



ZONING

533

SCALE
1" = 200'
DATE OF
PHOTOGRAPHY

LOCATION
VALLEY MILL

SHEET
NW
35-D

KK-NW
KK-NE
RR-SW
RR-SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Ord. 13, 1988
Dist. Nos. 144-08, 145-08, 146-08, 147-08, 148-08, 149-08, 150-08